

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

11/6/86
PL-H

FILE: B-219028.3

DATE: January 23, 1986

MATTER OF: W.B. Jolley--Request for Reconsideration

DIGEST:

1. Request for reconsideration of decision dismissing protest for lack of jurisdiction is untimely where not filed within 10 days after receipt of decision.
2. Subsequent reversal of decision on which dismissal of protest was based does not give rise to a new ground on which to request reconsideration of the protest since the new position adopted in the decision reversing the previous holding does not apply retroactively to the protest.

W.B. Jolley requests reconsideration of our decision in W.B. Jolley, B-219028, June 27, 1985, 85-1 CPD ¶ 737, dismissing Jolley's protest against any award under solicitation No. AT/TC 19827, issued by the General Services Administration (GSA) for travel management services for employees of federal agencies in six locations. We deny the request for reconsideration.

The original protest involved the competitive selection by GSA of a contractor to make travel arrangements for federal employees on a no-cost, no-fee basis. We dismissed the protest based on our decision in Omega World Travel, Inc., et al., B-218025, et al., May 23, 1985, 64 Comp. Gen. ___, 85-1 CPD ¶ 590, in which we held that the selection of a travel management services contractor was exempt from the procurement statutes and regulations and our bid protest jurisdiction under the Competition in Contracting Act of 1984, 31 U.S.C.A. §§ 3551 et seq. (West Supp. 1985). Subsequently, that decision was reversed in T.V. Travel, Inc., et al.--Request for Reconsideration, B-218198.6, et al., Dec. 10, 1985, 65 Comp. Gen. ___, 85-2 CPD ¶ ___. Jolley maintains that, in light of our decision in T.V. Travel, Inc., we should now consider the original protest on the merits.

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Our Bid Protest Regulations require that a request for reconsideration be filed within 10 days after the basis for reconsideration is or should be known. 4 C.F.R. § 21.12(b) (1985). Here, the original decision dismissing the protest was issued on June 27, 1985; since the protester did not file its request that we reconsider the dismissal until December 18, the request is untimely. ^{1/}

The protester maintains, however, that our reversal of the Omega World Travel, Inc., decision, on which the dismissal was based, in effect, constitutes a new basis on which to request reconsideration of the dismissal. The protester's argument assumes that the T.V. Travel, Inc. decision, holding that our Office will review protests involving the selection of a travel management services contractor, applies retroactively to Jolley's protest. We disagree. A decision by our Office which, like T.V. Travel, Inc., overrules a previous decision, generally is not effective retroactively; on the contrary, the new rule is applied prospectively only, to the specific case being decided and to cases arising in the future. See 54 Comp. Gen. 890 (1975); B-190389, Jan. 1, 1978. Here, since the T.V. Travel, Inc., decision was issued on December 10, well after our dismissal of Jolley's protest on June 27, the new position adopted in that case does not apply to that protest. As a result, our decision in T.V. Travel, Inc., does not give rise to a new basis on which to request reconsideration of Jolley's original protest.

The request for reconsideration is denied.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel

^{1/} In the T.V. Travel case, GSA specifically requested that we reconsider the Jolley decision as well as the original T.V. Travel decision and two others. We dismissed GSA's request that we reconsider the Jolley decision as untimely because it was not filed within 10 days after GSA's receipt of that decision.